

29. (new) The test kit of claim 28, wherein the projecting lip portion is disposed at an end of the slot, and engages an end of the elongate assay device during insertion of the assay device into the slot.

30. (new) The test device of claim 11, wherein the assay device is elongate, and wherein the reading device has a slot into which the assay device is at least partially inserted through a mouth for reading of the assay device, and wherein the slot has at least one projecting lip portion extending over the mouth of the slot, said lip portion acting to retain the assay device within the slot when correctly positioned therein.

REMARKS

This is in response to the Official Action mailed April 16, 2002 for the above-captioned application. Applicants request an extension of time sufficient to make this filing timely and enclose the fee. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 15-0610.

Claims 1 and 5-10 which were pending in this application have been cancelled and replaced with claims 11 - 18 which more clearly define the invention. Past prosecution in this application has shifted the focus of the claims away from the feature which most clearly distinguished the claimed invention from the cited art. Specifically, as set forth on Page 3, lines 15-18, "correct engagement of the assay device with the reading device causes a 'lock-and-key' interaction between the assay device and reading initiation means of the reading device. Thus, claim 11, eliminates some of the previously introduced limitations, but expressly states that the **means for initiation** of the reading device engages the assay device in a lock-and-key interaction. It should be noted that in the device as depicted in the drawings of this application, the protruding portions of the switch assembly that causes reading initiation "engage with their appropriate recesses in the assay device body" (Page 13, lines 29-30) and thus form a part of the lock-and-key system.

The Examiner rejected the previously pending claims as anticipated by or obvious over Catt et al. WO 95/13531. As the Examiner has correctly indicated, the Catt reference, upon which the present invention is an improvement, discloses a lock-and-key interaction between an assay device and a reading device. The reading device has an initiation switch. However, in Catt, the reading initiation switch does not participate in the formation of the lock-and-key interaction with the assay device. Note that in Figs. 5 and 6 of Catt, the actuating means is the depressable button 504 "which must be fully depressed to activate the reading mechanism."

(Catt, Page 24, line 27-29). The button mechanism does not function, and is not said to function, as a part of the lock-and-key interaction system. Thus, Catt does not anticipate claim 11, nor any of the claims dependent thereon. Furthermore, Catt does not suggest that the reading initiation switch should be configured in such a way that it forms part of the lock-and-key mechanism, or that any advantages would be gained from such a system. Thus, Applicants respectfully submit that the claimed invention is allowable over Catt et al.

The Examiner also rejected the previous claims as obvious over Jina et al. (US Patent No. 5,526,120). The Jina device discloses a shaped test device, which can only be inserted into a reader far enough to take a reading if it is in the correct orientation. The test device has a detectable region, for example a conductive surface, which completes a circuit allowing the start of a measurement cycle when the device is inserted in the reader such that electrical contact is made between the conductive surface and contacts provided in the reader. However, nothing about this conductive surface, (62 in Fig. 5) which extends across the width of the assay device, interacts with the contacts of smaller size on the reader to provide a lock-and-key interaction as required by the present claims. Indeed, overlaps of different degrees might reasonably provide sufficient contact to permit activation of the switch. This is not the kind of well-defined physical engagement which is achieved by the lock-and-key arrangement of the present invention. Thus, it is possible that the device of Jina could be triggered prematurely, at almost complete insertion, and yield an erroneous result. Thus, Jina does not disclose nor does it suggest, this feature of the claimed invention.

Claims 12 - 18 are dependent claims which depend on claim 11. They are patentable for the same reasons that claim 11 is patentable. Further, they have the additional

distinctions which have ben pointed out in previous submissions. However, inasmuch as it is believed that claim 11 now fully distinguishes from the art of record, these will not be repeated here.

All of the claims of this application are believed to be in form for allowance.
Favorable reconsideration and allowance of all claims are respectfully urged.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marina T. Larson". The signature is written in dark ink and is positioned above the printed name and title.

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